

Minutes

A meeting of the Board of Commissioners of Colfax County, Nebraska was held in the Commissioners Room of the County Courthouse, Schuyler, Nebraska on the 24th day of November, 2009. The County Board of Commissioners met at 8:30 a.m. Present were: Jerry L. Heard, Jerold Kracl and Skip Oehlich, County Commissioners, Rita M. Mundil, County Clerk, and Bo Botelho, County Attorney. Notice of this meeting was given in advance thereof by posting written notice in at least three different public places as shown by the Certificate of Posting Notice. Availability of the proposed agenda was communicated in the advance notice and in the notice to the board. Copies of the Open Meetings Act were posted and available to the public. All proceedings shown were taken while the meeting was officially convened and open to the public.

The chairman stated a copy of the Open Meeting Act statute is posted and available to the public.

Motion Kracl; second Oehlich to approve the agenda. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Motion Oehlich; second Kracl to approve the minutes of November 9, 2009. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

The county attorney presented a brief overview of the Colfax County School Resource Program to the commissioners.

The clerk provided the fund balance and STOP Revenue received. She informed the board that in the month of October the NACo Prescription Drug Card was used 4 times. The board reviewed the proposed changes of the NACO Bylaws. Correspondence from Central Nebraska Community Services, Inc. stating that CNCS was awarded Early Head Start Expansion Grant funding and thanked the commissioners for the letter of support they provided to the Head Start Bureau for Early Head Start. Doris M. Karloff asked for the commissioner’s vote at the NACO convention.

The board received a copy of the October public defender report.

The board provided an opportunity for public comment; a citizen discussed the Travelute Ditch.

The E911 coordinator provided the E911 quarterly radio activity report and the annual contract with Geo-Comm. Motion Kracl; second Oehlich to approve the annual contract with Geo-Comm in the amount of \$3,300.00. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

Recessed at 9:15 a.m. and reconvened at 9:30 a.m.

Motion Heard second Kracl to approve the following claims and issue checks for them. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

| <u>All Funds</u> | | |
|-------------------------------|--|-----------|
| Blue Cross-Blue Shield | Health Premiums | 27,303.84 |
| Ameritas Life Ins. Co. | Retirement Premiums | 9,488.58 |
| EFTPS | FICA/Medicare | 10,258.41 |
| <u>Juv. Div. Program</u> | | |
| Salaries | | 1,300.00 |
| Indoff | Office supplies | 8.39 |
| <u>911 Fund</u> | | |
| Mid-NE Communications Inc. | Move Monitor | 630.00 |
| Niedfeldt Towers, Inc. | Tower Rent | 1,128.00 |
| Qwest | Service | 1,624.82 |
| <u>Road Bridge Fund</u> | | |
| Salaries | | 36,997.55 |
| Alltel | Service | 135.89 |
| Auto Glass Center, Inc. | Glass treatment | 192.00 |
| B's Enterprises, Inc. | Project C19(407) | 19,163.24 |
| Bomgaars Supply | Oil/shop supplies | 462.23 |
| Clarkson Plumbing & Heating | Shop supplies | 62.36 |
| Columbus Telegram | Notice | 60.53 |
| Cooperative Supply Inc. | Fuel/propane | 531.30 |
| Dept. of Utilities | Services | 220.22 |
| Doernemann Farm Service Inc | Shop supplies/equipment parts/labor | 449.24 |
| Dubsky's Custom Transmissions | Equipment parts/labor | 203.60 |
| Eakes | Office supplies | 51.04 |
| Farmers union Coop Gas | Fuel/hauling/shop supplies/tire repair | 3,941.18 |
| Fastenal | Shop supplies | 8.99 |
| Frontier | Phone | 55.60 |
| Hanel Oil, Inc | Fuel | 1,971.18 |
| Ronald Hanel | CDL Reimb. | 31.00 |

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| Hartman Automotive | Equipment parts/labor | 150.48 |
| Hi-Lo Equipment Inc. | Equipment parts | 3.70 |
| J & B Auto Parts | Equipment parts/ shop supplies | 198.96 |
| J & L Automotive | Shop supplies | 3.13 |
| John's Tire Sales | Tire repair/oil change | 104.95 |
| Kroeger Body Shop | Equipment parts/labor | 30.00 |
| Kroeger Sand & Gravel Co. | Gravel/hauling | 21,596.00 |
| Linweld | Shop supplies | 95.57 |
| Loup Public Power-Columbus | Services | 119.88 |
| Mainelli-Wagner & Associates Inc | Contract/bridges | 3,483.50 |
| Martin Marietta Materials | Rock | 1,631.93 |
| William Craig Marxsen | Gravel/hauling | 48,465.97 |
| Menards | Shop supplies | 169.98 |
| Midwest Service & Sales | Culverts/blades/signs/equipment parts | 1,412.96 |
| Nebraska Machinery Co. | Equipment parts/labor/supplies | 2,806.12 |
| Niedfeldt Towers, Inc. | Tower Rent | 1,152.00 |
| Oakview One Stop | Fuel | 538.31 |
| OPPD | Services | 44.83 |
| Postmaster | Postage | 44.00 |
| Power Plan | Equipment parts/labor | 875.19 |
| Prusa Welding | Equipment parts/labor | 191.53 |
| QC Supply LLC | Shop supplies | 24.23 |
| Qwest | Service | 141.48 |
| Reinecke Motor Co. | Equipment parts/labor | 286.25 |
| Richards Garage Inc. | Equipment parts/labor | 792.40 |
| Road Builders | Equipment parts | 467.61 |
| Sapp Bros. Petroleum, Inc | Fuel | 1,413.98 |
| Schneider Oil | Fuel/tires | 609.68 |
| Schuyler Cooperative Assn | Fuel/propane | 2,211.84 |
| Schuyler Electric, Inc. | Rogers Shop | 236.30 |
| Schuyler Lumber | Shop supplies | 23.75 |
| TCW Construction | C-19(423) | 2,648.64 |
| Tom's Auto Service | Equipment parts | 173.34 |
| U & I Sanitation | Service | 22.00 |
| Vacin, Inc. | Shop supplies/equipment parts | 179.34 |
| Village of Howells | Service | 30.85 |
| Village of Leigh | Service | 45.61 |
| Adolph Vitek | Oil recovery | 70.00 |

General Fund

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| Salaries | | 101,524.48 |
| Advanced Correctional Healthcare | Pharmacy services | 25.49 |
| Alamar Uniforms | Uniforms | 287.94 |
| Alegent Health Memorial Hospital | Service | 95.40 |
| Alltel | Service | 122.54 |
| AS Central Finance | Network serv #6506 | 448.00 |
| AS Central Finance | Network serv #6507 | 255.75 |
| Viola Bender | Mileage/meals | 75.94 |
| Black Hills Energy | Utilities | 220.62 |
| Bomgaars Supply | Ice melt/bulbs | 104.28 |
| F.D. Botelho | Mileage | 90.20 |
| Buckmaster Electric Inc. | Replace light fixtures | 2,643.48 |
| Butler County Sheriff | Paper service | 20.32 |
| Clerk of the District Court | Court Costs | 365.00 |
| Coca-Cola | Vending | 99.50 |
| Colfax County Court | Court Costs/Bill of Exception | 606.25 |
| Colfax County Court | Xmas Party Funding | 500.00 |
| Colfax County Press | Business cards/Noxious Weed Ad | 144.35 |
| Colfax County Sheriff | Uncollected Fees | 1,102.22 |
| Columbus Telegram | Minutes/notices/ads/supplies | 602.25 |
| Community Internet Services | Internet | 350.00 |
| Computer Innovations, LLC | Maintenance | 30.00 |
| Constellation Energy | Utilities | 941.44 |
| Cooperative Supply Inc | Fuel | 202.01 |
| Corral Repair | Vehicle repair | 332.70 |
| Culligan | Supplies | 48.50 |
| Robert P. Dahlstedt | Mileage | 93.50 |
| Danko Emergency Equipment | Fire Extinguisher | 45.00 |
| Dept. of Utilities | Utilities | 2,705.86 |
| Didier's Grocery | Supplies | 38.80 |
| Douglas County Court | Cert. copy | 3.00 |
| Joseph M. Dvorak | Witness | 37.46 |
| Eakes Office Prod. Center | Office supplies | 158.70 |

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| Egan Supply Company | Janitorial supplies | 233.68 |
| Egr & Birkel | Atty's fees | 397.50 |
| Mary Ellen Faltys | Mileage | 90.20 |
| Farmers Union Coop Gas | Fuel | 94.27 |
| Fehringer Mielak & Fehringer | Atty's fees | 442.50 |
| Krystal From | Witness | 41.34 |
| Frye, Frazey & Assoc. | Court Security | 948.00 |
| Jeff A. Gall | Aerate | 100.00 |
| GE Capital | Copier | 139.80 |
| Graham Tire | Tires | 695.52 |
| Gross & Welch | Public defender contract/Atty's fees | 4,780.84 |
| Hanel Oil, Inc. | Fuel | 52.06 |
| Hayes & Assoc LLC | Audit | 1,900.00 |
| HHS Institution Payments | Lincoln | 186.00 |
| | Beatrice | 93.00 |
| Tony W. Hemmer | Uniforms/postage | 54.05 |
| Hometown Leasing | Copiers | 1,051.31 |
| Indoff | Office supplies | 566.76 |
| J & L Automotive | Wrecker Service | 85.00 |
| Jack's Uniforms & Equipment | Radio repair/safety equipment | 684.88 |
| Jackson Services | Service | 91.50 |
| JEO Consulting Group, Inc. | Boundary Survey | 5,278.75 |
| Just Another Mini Mart | Fuel | 505.09 |
| William E. Kaiser | Contract | 1,930.00 |
| Karel/Seckman | Atty's fees | 266.25 |
| Melody Keep | Dispatch/training | 95.00 |
| Knoepfle & Kracl Law Office | Atty's fees | 183.75 |
| Jerold Kracl | Mileage | 151.80 |
| Dori L. Kroeger | Postage | 11.00 |
| Paul Kruse | Prisoners meals/postage/film | 78.24 |
| Latimer Reporting | Court Reporter | 97.00 |
| Leigh World | Weed ad | 49.85 |
| Madison County Sheriff's Dept. | Paper service | 43.72 |
| Magnum Builders | Replace downspouts | 3,800.00 |
| Maintenance Engineering Ltd. | Janitorial supplies | 672.39 |
| Mel's Construction Co. Inc. | Storm shelter repair | 789.29 |
| Shawn Messerlie | Uniforms | 35.00 |
| Charles Meyer | Contract zoning | 2,747.25 |
| Microfilm Imaging Service | Service | 240.00 |
| Mid-American Benefits Inc. | Deductible reimbursement | 1,162.61 |
| Mid-American Research Chemical | Janitorial supplies | 614.50 |
| Midwest Glass Service Inc. | Building repair | 310.00 |
| MIPS | Network support | 2,891.70 |
| Moore Wallace | Office supplies | 31.52 |
| National District Atty Assoc. | Dues | 95.00 |
| NACO | Convention registration | 720.00 |
| NE Public Health Service System | Blood test cost | 252.00 |
| NE State Bar Assoc. | Dues | 365.00 |
| NE Wisconsin Tech College | Training | 395.00 |
| Aaron Nygren | Travel/registration | 97.93 |
| Oakview One Stop | Fuel | 1,569.30 |
| Officenet Inc. | Copier rental | 173.28 |
| Celeste Palensky | Janitor | 84.00 |
| Pioneer Telephone | Service | 347.70 |
| Platte County Detention Facility | BOP | 36,490.00 |
| Platte County Attorney | Atty fees | 510.00 |
| Platte County Court | Cert. copy/Bill of Exceptions | 11.65 |
| Platte County Election Comm. | Mileage | 35.20 |
| Qwest Communications | Services (CH) | 877.10 |
| | Ext/Weed | 159.24 |
| Reinecke Motor Co. | Vehicle repair | 419.73 |
| Brenda Rist | Mileage/notary | 83.20 |
| Schneider Oil Co | Fuel | 433.92 |
| Schuyler Coop Assn. | Fuel | 112.90 |
| Schuyler Lumber | Building supplies | 11.12 |
| Sioux Sales Company | Radio equipment | 403.50 |
| Sipple/Hansen/Emerson/Schumacher | Atty fees | 387.00 |
| State of Nebraska | Election supplies | 27.00 |
| James C. Stecker | Atty fees | 2,460.00 |
| Brett Struebing | Uniforms | 35.00 |
| Mandy Trout | Mileage/lodging/food | 234.06 |
| U & I Sanitation Service | Service | 22.00 |
| University of Nebraska | Shipping | 4.95 |
| US Cellular | Service | 85.46 |

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| Veteran's Information Service | Annual Book | 20.00 |
| John Vrba | Witness/mileage | 41.34 |
| Wayne's Repair Service | Vehicle repair | 348.89 |
| West Publishing Payment Ctr | Westlaw | 423.00 |
| Wire-Free Nebraska | Internet service | 79.95 |
| Mike Wurdeman | Witness/mileage | 50.07 |
| Wyoming Weed & Pest Council | Handbooks | 18.26 |
| Xerox Corporation | Copier/copies | 673.38 |
| Andrew Yost | Uniform | 35.00 |
| Kathy Yrkoski | Court Cost | 55.25 |

Motion Kracl; second Oehlich to designate The Leigh World, Colfax County Press, Schuyler Sun and Howells Journal as newspapers within the county for publication of the official notices with The Leigh World responsible for publication of the county board minutes for calendar year 2010.
Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

The zoning administrator gave a report of the activities of his department; he updated the commissioners on the action being taken on the formal zoning complaint he received.

Motion Heard; second Oehlich to open a public hearing at 10:00 a.m. for the purpose of hearing testimony of support, opposition, criticism, suggestions or observation for a request for Change of Zoning application by Larry Wietfeld to change the zoning on a parcel of land on the north end of Leigh, Nebraska, from the present A-3 to C-1. (A more complete legal description is available from the office of the Zoning Administrator). Further, to add a land use classification of “bait shop” to the matrix of land uses under the C-1 zoning classifications. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

The zoning administrator included in his report that the applicant owns a concrete block building used for his trucking business and in anticipation of the new lake, wishes to have zoning authority to establish a new business on that site. The site is outside the city limits and falls within county zoning and is zoned as A-3. The applicant has contacted all of the neighbors adjoining his property and has provided their written statements that they do not object to the proposed changes of zoning. Adjacent property owners have been mailed written notices of this hearing.

The C-1 zoning classification does not provide for “bait shop” as a permitted or a conditional use, and to have proper authority for such a use, it will be necessary to add “bait shop” as a conditional use in the C-1 zoning classifications. Making it a conditional use would allow public hearings on any future applications for bait shops in C-1. If these changes are adopted, the applicant would then be able to apply for a conditional use and zoning permit.

The applicant was present at the hearing.

Motion Kracl; second Oehlich to close the public hearing at 10:08 a.m. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Motion Heard; second Kracl to accept the recommendation of the planning commission and grant approval of the change of zoning application for Larry Wietfeld to a A-3 to a C-1, and to approve the addition of “bait shop” to the land use matrix as a conditional use in the C-1 zoning classifications. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

The board is reviewing information they received to set the salaries for the 2011-2014 term. The salaries of all elected county officers must be fixed by the county board prior to January 15, 2010.

Motion Heard; second Oehlich to open a public hearing at 11:00 a.m. for the purpose of hearing testimony of support, opposition, criticism, suggestions or observation as the Commissioners are considering whether to prohibit or allow trapping in the county’s right-of-way. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

The public statement was to allow trapping for Colfax County residents only, which by state statute is not legal. No decisions were made during the public hearing.

Motion Heard; second Kracl to close the public hearing at 11:18 a.m. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

The commissioners, after hearing public comment as well as comments from the sheriff and highway consultant, have decided not to take any action to further prohibit trapping in county ROW.

The highway department gave a report of the activities of the road department; discussion was held on identifying culvert projects so culverts can be ordered. The road manager has been in contact with Northeast Nebraska Economic Development regarding the grant application to the Department of Economic Development for a 2008 Disaster Recovery Program for the Hughes Payzant Drainage Ditch. The application has not yet been submitted.

The highway consultant reviewed correspondence from the State of Nebraska Department of Economic Development on Reallocation of Unused Recovery Zone Bond Authority in Nebraska; the State is now inviting all counties and local governments within Nebraska to apply for an allocation of RZEDBS volume cap authority.

Senator Arnie Stuthman wrote a letter thanking the Commissioners for agreeing to enter into an interlocal agreement to fund the regional traffic study for improving traffic flows throughout the area.

The 2009 Certification of County Highway Superintendent for Determining Incentive Payment was reviewed by the commissioners, they instructed the clerk not to respond for this year.

The clerk summarized the day’s agenda and action taken.

Motion Heard; second Kracl adjourn BOC at 11:55 a.m. to meet again December 14, 2009. Voting YES: Oehlrich, Heard and Kracl. Voting NO: None. Motion carried.

I, Rita M. Mundil, duly appointed and qualified County Clerk of said county, do hereby state that the above minutes were recorded by me, are true and correct to my knowledge, are recorded in the Commissioners Records and were completed for public inspection and publication on the 25th day of November, 2009.

Rita M. Mundil, County Clerk
